



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|------------------------------|
| Application Number | 10/729,127 |
| Filing Date | 12/5/2003 |
| First Named Inventor | Gabriel G. Khairallah ET AL. |
| Art Unit | 3671 |
| Examiner Name | Christopher J. Novosad |
| Attorney Docket Number | 03-173 |

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosures(s) (please identify below): Request for Certificate of Correction Under 37 CFR 1.323 (to be forwarded to C of C Branch Upon Grant of Petition) |
|---|---|--|

Remarks

RECEIVED**JUL 06 2006****OFFICE OF PETITIONS****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

| | |
|-------------------------|---|
| Firm or Individual name | William A. Beckman, Registration No. 57,589 |
| Signature | <i>William A. Beckman</i> |
| Date | May 30, 2006 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope address to:
Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date:

05/30/2006

Typed or printed name William A. Beckman

Signature

William A. Beckman

Date

5/30/2006

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JFW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

6-2-06
In re United States Letters) Group Art Unit: 3671
Patent No.: 7,021,393) Examiner: Christopher J. Novosad
Granted: April 4, 2006)
Inventor: GABRIEL G. KHAIRALLAH, ET AL.)
Title: LANDSCAPE TILLER)
Attorney Docket No.: 03-173)

Peoria, Illinois 61629-6490
May 30, 2006

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

PETITION REQUEST UNDER 37 CFR 3.81(b)

Sir:

On January 23, 2006, Applicant submitted form PTOL-85B with payment of the Issue Fee. On form PTOL-85B, Applicant inadvertently indicated the incorrect Name of Assignee and Residence. By this Petition, Applicant is requesting to correct Applicant's error. The Name of the Assignee (Caterpillar S.A.R.L.) and Residence (Geneva, Switzerland) is the Assignee of Record as noted on the enclosed copy of the Notice of Recordation of Assignment Document, Reel and Frame 014776/0882, recorded December 5, 2003.

It is respectfully requested that the Petition be granted and that the enclosed REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 1.323 be forwarded to the Certificates of Correction Branch.

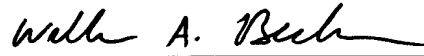
06/05/2006 AWDNDAF1 00000070 031129 10729127

01 FC:1464

130.00 DA

Enclosed herewith are two copies of a fee transmittal sheet to provide for the appropriate fee of \$130.00 for the Petition Request.

Respectfully submitted,

A handwritten signature in cursive script, reading "William A. Beckman", written in black ink.

William A. Beckman
Registration No. 57,589
Caterpillar Inc.

Telephone: ***(309) 675-5187***
WAB:glg
Enc.



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OFFICE OF PETITIONS

PTO/SB/17 (05-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

130

Complete if Known

| | |
|----------------------|------------------------------|
| Application Number | 10/729,127 |
| Filing Date | 12/5/2003 |
| First Named Inventor | Gabriel G. Khairallah ET AL. |
| Examiner Name | Christopher J. Novosad |
| Art Unit | 3671 |
| Attorney Docket No. | 03-173 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account

Deposit

Account Number 03-1129

Deposit

Account

Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 1001 | 790 | 2001 | 385 | Utility filing fee | |
| 1002 | 350 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 790 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 19 | | | |
| 20 | -20** = 0 | 50 | 0 |
| 3 | -3** = 1 | 200 | 0 |
| 3 | | | |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|---|
| 1202 | 18 | 2002 | 9 | Claims in excess of 20 |
| 1201 | 88 | 2001 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 88 | 2204 | 43 | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 430 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 980 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,530 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,080 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 340 | 2401 | 165 | Notice of Appeal | |
| 1402 | 340 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 300 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,370 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,370 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 490 | 2502 | 240 | Design issue fee | |
| 1503 | 660 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | 130 |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

130

SUBMITTED BY

(Complete (if applicable))

| | | | | | |
|-------------------|--------------------|-----------------------------------|------------|-----------|----------------|
| Name (Print/Type) | William A. Beckman | Registration No. (Attorney/Agent) | 57,589 | Telephone | (309) 675-5187 |
| Signature | will A. Beckman | Date | 05/30/2006 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

JUL 06 2006

12-15-2003

| | | | |
|---|--|--|--|
| Form PTO-1595 (Rev. 10/02) OMB No. 0651-0027 (exp. 6/30/2005) Tab settings ⇌ ⇌ ⇌ | | U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office | |
| To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof. | | | |
| 1. Name of conveying party(ies): Gabriel G. Khairallah James B. Normann Michael A. Pepe Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | 2. Name and address of receiving party(ies): Name: Caterpillar S.A.R.L. Internal Address: c/o Caterpillar Overseas S.A. 76, Route de Frontenex 1211 Geneva, SWITZERLAND Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: 11/24/2003 11/24/2003 11/24/2003 | | 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: 11/24/2003 A. Patent Application No.(s) _____ B. Patent No.(s) _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Todd A. Benni Caterpillar Inc. Intellectual Property Department, AB6490 100 N. E. Adams Street Peoria IL 61629-6490 | | 6. Total number of applications and patents involved: <input checked="" type="checkbox"/> 1 7. Total fee (37 CFR 3.41) \$ 40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 03-1129 | |
| DO NOT USE THIS SPACE | | | |
| 9. Signature: Todd A. Benni Name of Person Signing | | Docket Number: 03-173 Signature Date 12/05/2003 | |
| Total number of pages including cover sheet, attachments, and documents: <input checked="" type="checkbox"/> 03 | | | |

Mail documents to be recorded with cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

12/12/2003 LNUJELLER 00000089 031129 10729127

01 FC:8021 40.00 DA

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ASSIGNMENT

OFFICE OF PETITIONS

WHEREAS, Gabriel G. Khairallah, James B. Normann, and Michael A. Pepe, residing respectively at Carrboro, North Carolina; Holly Springs, North Carolina; and Chapel Hill, North Carolina, hereinafter referred to as ASSIGNORS, have invented a new and useful

LANDSCAPE TILLER

for which ASSIGNORS are about to file an international application and/or make application for Letters Patent in the United States of America, such invention being described and identified by said application having an attached International Application Request and/or an attached Declaration and Power of Attorney executed by ASSIGNORS on 11/24/03, 11/24/03, and 11/24/03; and

WHEREAS, Caterpillar S.A.R.L., a corporation duly organized and existing under the laws of Switzerland, domiciled at c/o Caterpillar Overseas S. A., 76, Route de Frontenex, 1211 Geneva, Switzerland, hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in and to said invention and any Letters Patent granted thereon by the United States of America and any foreign country;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and for other good and valuable consideration received by ASSIGNORS from ASSIGNEE, the receipt of which is hereby acknowledged by ASSIGNORS;

1. ASSIGNORS hereby sell, assign, transfer and convey unto ASSIGNEE the entire right, title and interest in and to said invention, any application therefor, and any Letters Patent granted thereon by the United States of America and any foreign country, including any continuing application, reissue or extension thereof, together with the right to file applications and obtain patents for said invention in any foreign country, and covenant that ASSIGNORS have the full right to do so.

2. At the request and expense of ASSIGNEE, ASSIGNORS agree to communicate to ASSIGNEE any facts known respecting said invention, to execute all papers necessary to file any application on said invention necessary or desirable to aid ASSIGNEE in obtaining and enforcing proper protection for said invention in the United States of America and any foreign country.

3. ASSIGNORS hereby authorize and request the COMMISSIONER OF PATENTS AND TRADEMARKS to issue the United States Letters Patent on said invention, when granted, to Caterpillar S.A.R.L.

4. This assignment shall inure to the benefit of ASSIGNEE, its successors, assigns and other legal representatives, and shall be binding upon ASSIGNORS, ASSIGNORS' heirs and legal representatives.

IN TESTIMONY WHEREOF, ASSIGNORS have executed this instrument.

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JUL 06 2006

OFFICE OF PETITIONS


GABRIEL G. KHAIRALLAH

11/24/03
Date

IN WITNESS OF the execution hereof by GABRIEL G. KHAIRALLAH we have hereunto set our hands.

THA. AGES 11/24/2003
Witness (1) THOMAS A. HUGHES, JR. Date

Address: 811 BRENT. RD.
RALEIGH, NC 27606


 11/24/03
Witness (2) ALESSANDRO MAGLIULO Date

Address: 113 TRUMBELL CIR
MORRISVILLE, NC 27560

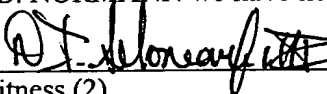

JAMES B. NORMANN

11/24/03
Date

IN WITNESS OF the execution hereof by JAMES B. NORMANN we have hereunto set our hands.

 11/24/03
Witness (1) Date

Address: GABRIEL KHAIRALLAH
100 ROCK HAVEN RD. #E203
CARRBORO, NC 27510

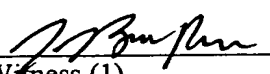
 11/24/03
Witness (2) Date

Address: Doyle T. Arboneaux, III
3300 Langston Circle
Aperx NC 27539


MICHAEL A. PEPE

11/24/03
Date

IN WITNESS OF the execution hereof by MICHAEL A. PEPE we have hereunto set our hands.

 11/24/03
Witness (1) Date

Address: 3000 Mills Lake Wynd
Holly Springs NC 27540

 11/24/03
Witness (2) Date

Address: 1207 KELTY CT
CARY NC 27511